

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HAPPY MOSHA)	
Plaintiff,)	
)	
-vs-)	No. 08 C 1104
)	
CHICAGO POLICE OFFICERS)	
M. PINZINE (#3366), R. DURAN (#15514),)	
M. BARTZ (#16315), T. COVELLI (#15028),)	Honorable Joan B. Gottschall
SGT. MARK FOREST (# 1935))	
and the CITY OF CHICAGO)	Honorable Arlander Keys
Defendants.)	

MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

NOW COMES the plaintiff, HAPPY MOSHA by and through her attorney, BRENDAN SHILLER, with the instant motion, and states as follows:

Background

1. This complaint was initially filed on February 22, 2008 and complained of false arrest, malicious prosecution, and excessive force stemming from an incident that occurred on September 24, 2007. The Defendants filed their answer to the complaint on April 22, 2008 and tendered discovery requests on April 23, 2008 along with their Rule 26(a) material.
2. Plaintiffs have since responded to the discovery requests and tendered their own, and have noticed up the depositions for the currently named defendants for early June.
3. The initial complaint contained substantive allegations against only Defendants Pinzine and Duran, and a respondeat superior claim against the City.
4. As is the norm, Plaintiff had limited knowledge as to what role other officers had played in her malicious prosecution, and had no reason to believe that the City was directly liable.

5. After receiving the initial Rule 26 discovery, Plaintiff learned more about the roles that certain officers played in her malicious prosecution claim, and now also believes that the City is directly liable.
6. As a result, Plaintiff seeks to file the attached amended complaint that adds three individual defendants to the malicious prosecution claim, and adds two counts—a civil conspiracy count and a monell count.

Analysis

7. None of the claims are past the statute of limitation. The relevant date for the for the assault, battery and excessive force is September 24, 2007. The relevant date for the malicious prosecution claim is November 26, 2007. See *Wiley v. City of Chicago*, 361 F.3d 994, 997-98 (7th Cir. 2004).
8. Further, none of the information that resulted in the adding of three parties and two new claims was unknown to any defendants, current or putative. All information that the amended complaint is based on came from the Defendants.
9. Consequently there is no prejudice against Defendants, and Plaintiff would be within her right to simply file a new claim if necessary.
10. Further, discovery is moving apace, and should not be stalled as a result of the new complaint. Plaintiff had already planned on deposing the new parties, and the allegations against them are limited to the malicious prosecution claim.
11. Because it is in the interest of judicial economy, and justice, Plaintiff seeks leave to file the attached First Amended Complaint.

Respectfully Submitted,

/s/ Brendan Shiller /s/
Brendan Shiller

Law Office of Brendan Shiller, LLC
455 N. Broadway, Suite 325
Chicago, IL 60640
ARDC: 6279789

CERTIFICATE OF SERVICE

Brendan Shiller, a licensed attorney, states that on May 27, 2008 a copy of the foregoing Motion for leave to file first amended complaint was caused to be delivered, by United States Mail, to the following:

Christopher Wallace
City of Chicago Dept. of Law
30 N. LaSalle. St., Suite 1400
Chicago, IL 60602

/s/ Brendan Shiller /s/
Brendan Shiller